

**SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY
REGULAR MEETING HELD OCTOBER 22, 2009**

1. CALL TO ORDER - By Chairman Spano at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Gus Spano, Rob Wolf, Alan Albrandt, Jed Ladd and Cheryl Witt

Also present were: William Barber, Senior Assistant City Attorney; Reid Betzing, Assistant City Attorney; Susan Gaetano, Licensing Investigator and Kristen Rush, Deputy City Clerk.

4. APPROVAL OF MINUTES – October 8, 2009.

Chairman Spano moved to approve the Summary of Minutes of the regular meeting of October 8, 2009.

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Ladd, Witt

The motion carried

5. OLD BUSINESS - none
6. NEW BUSINESS -

- A. Application for Change of Location for the Hotel and Restaurant Liquor License of A Different Kind of Bean, Inc., d/b/a Steamers Coffee House, from 13777 West 85th Drive to 8565 Five Parks Drive, Suite 100

Chairman Spano moved that the Application for Change of Location for the Hotel and Restaurant Liquor License of A Different Kind of Bean, Inc., d/b/a Steamers Coffee House, from 13777 West 85th Drive to 8565 Five Parks Drive, Suite 100, be Accepted and Scheduled for a Public Hearing on Thursday, December 10, 2009 at 5:30 p.m., in the Council Chambers of the Arvada Municipal Complex, 8101 Ralston Road, and the Boundary Delineation be described as that property surrounded by the following:

On the North by the centerline of West 88th Avenue and extensions thereof
On the East by the centerline of Alkire Street and extensions thereof
On the South by the centerline of West 82nd Avenue and extensions thereof
On the West by the centerline of Indiana Street and extensions thereof

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Ladd, Witt

The motion carried

7. PUBLIC HEARINGS –

- A. Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (May 30, 2009 Alleged Violation)
- B. Alleged Violation of the Tavern Liquor License of Double Overtime Bar and Grill, Inc. d/b/a Arvada Tavern, 5707 Wadsworth Boulevard (June 23, 2009 Alleged Violation)

Reid Betzing, Assistant City Attorney, was present and gave an opening statement.

Daniel Kaiser, Attorney Representing Licensee, was present.

The City presented six exhibits:

- Exhibit 1. Copies of Letter, Copies of Notice and Order to Show Cause and Copies of Show Cause Hearing Procedure.
- Exhibit 2. Certificate of Certified Mailing and Certificate of Personal Service.
- Exhibit 3. Copies of the General License No. 14661 issued to Double Overtime Bar & Grill doing business as Arvada Tavern.
- Exhibit 4. Copies of incident report for July 9, 2009 in reference to the incident involving sale of alcohol in an unlicensed area of the establishment that occurred on May 30, 2009.
- Exhibit 5. Warning letter sent March 24, 2009 to Jay Soneff regarding alleged conduct of the establishment.
- Exhibit 6. Copies of incident report for Jun 23, 2009 incident involving conduct of the establishment.

The exhibits were accepted into the record.

Reid Betzing, Assistant City Attorney, reviewed the following stipulation with the authority:

COMES NOW the City of Arvada, by and through its attorney, Reid B. Betzing, and the Licensee, Double Overtime Bar & Grill doing business as Arvada Tavern, located at 5707 Olde Wadsworth Boulevard, in Arvada, Colorado, by and through, their attorney Gary D. Fielder, that a violation of Colorado Revised Statutes section 12-47-901(1)(g) and Colorado Revised Statutes section 12-47-901(5)(IV)(d) did occur on May 30, 2009 as contained in Specifications #1 and #2 in the Notice and Order to Show Cause, dated July 9, 2009 in reference to the sale or serving of alcohol in an unlicensed area of the Licensee provided the Authority accepts the forthcoming stipulation and recommendation.

The parties further stipulate that:

The Notice and Order to Show Cause dated July 9, 2009, and sent via certified mail on July 12, 2009 is in all respects and for all purposes legally sufficient;

The Licensee has received and reviewed a copy of the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures;

Any reviewing authority may take judicial notice of all referenced provisions of the Colorado Revised Statutes, the Colorado Code of Regulations, or other laws or regulations including the Sentencing Guidelines for the Arvada Liquor Licensing Authority dated March 25, 1999, and the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures, historical data on sanctions imposed by the Arvada Local Liquor Licensing Authority, and Colorado Department of Revenue, Liquor Enforcement Division 2008 Report of Enforcement Actions, as necessary;

The Licensee has at all times pertinent to this proceeding held City of Arvada General License number 14661, and has not had any liquor violations. The Licensee has held this license since June 12, 2009.

The Parties stipulate to the admission of this Stipulation and Order, Recommendation Relating to Penalty and Order, and all attachments listed as Exhibits 1 through 6, respectively, which are described below and attached hereto:

EXHIBITS

- Exhibit 1 Copies of Letter, Copies of Notice and Order to Show Cause and Copies of Show Cause Hearing Procedure.
- Exhibit 2 Certificate of Certified Mailing and Certificate of Personal Service.
- Exhibit 3 Copies of the General License No. 14661 issued to Double Overtime

Bar & Grill doing business as Arvada Tavern.

- Exhibit 4 Copies of incident report for July 9, 2009 in reference to the incident involving sale of alcohol in an unlicensed area of the establishment that occurred on May 30, 2009.
- Exhibit 5 Warning letter sent March 24, 2009 to Jay Soneff regarding alleged conduct of the establishment.
- Exhibit 6 Copies of incident report for Jun 23, 2009 incident involving conduct of the establishment.

Chairman Spano moved that this Local Licensing Authority accepts the proposed stipulation, as outlined by Assistant City Attorney, Reid Betzing.

The following votes were cast on the motion:

Those voting Yes: Spano, Wolf, Albrandt, Ladd, Witt

The motion carried

Mr. Betzing reviewed the following recommendation relating to penalty:

COMES NOW the City of Arvada, by and through its attorney, Reid B. Betzing, and the Licensee, Double Overtime Bar & Grill doing business as Arvada Tavern, located at 5707 Olde Wadsworth Boulevard, in Arvada, Colorado, by and through, their attorney Gary D. Fielder, hereby stipulate and recommend the Licensing Authority consider accepting the following plea agreement and recommendation:

With particularity, the Parties hereby agree and stipulate, provided that the Authority accepts our recommendation, that a violation of Colorado Revised Statutes section 12-47-901(1)(g) and Colorado Revised Statutes section 12-47-901(5)(IV)(d) did occur on May 30, 2009 as contained in Specifications #1 and #2 in the Notice and Order to Show Cause, dated July 9, 2009 in reference to the sale or serving of alcohol in an unlicensed area of Licensee

Pursuant to our joint stipulation, the City of Arvada would be withdrawing the allegations contained in Specifications #3 and #4 as contained in the Notice and Order to Show Cause dated July 9, 2009. In addition the City would be withdrawing the allegation contained in Specification #1 of the Notice and Order to Show Cause dated August 13, 2009.

The Parties hereby agree and recommend that the Arvada Liquor Authority accept the following Recommendation Relating to Penalty.

1. A penalty of suspension of the General License Number 14661 for 10 days, of which 4 consecutive days would be active suspension, and the remaining 6 days held in abeyance pending the satisfactory completion of the following conditions:
 - a. For one year from today's date, the Licensee cannot be charged with any violation of the Colorado Liquor Code or Department of Revenue Regulations from which a conviction, guilty finding, or stipulation results;
 - b. All employees handling alcohol sales who have not done so in the past 2 years, shall attend a state approved liquor education class within 90 days and/or submit written proof of attendance to the City Clerk's Office of recent attendance;
 - c. The Licensee shall post two notices in conspicuous places, one on the exterior and one on the interior of the licensed premises, for the duration of the suspension in compliance with Colorado Department of Revenue Regulation 47-600.F.
2. If any of these conditions are not met in the manner set forth above, Licensee's General License shall be suspended for the number of days held in abeyance, consecutively.
3. The 4 days active suspension shall begin at 12:01 a.m., November 16, 2009 of 2009 and continue through and including November 19, 2009.

The following votes were cast on the motion:

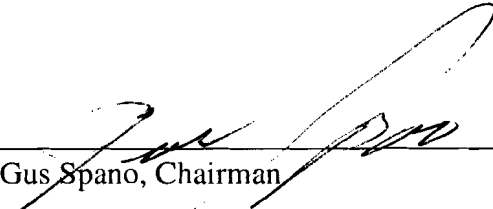
Those voting Yes: Spano, Wolf, Albrandt, Witt

Those voting No: Ladd

The motion carried

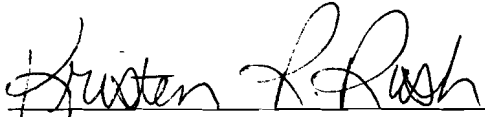
8. OTHER AUTHORITY ITEMS – none
9. STUDY SESSION – none
10. REPORT FROM CITY ATTORNEY'S OFFICE – none
11. REPORT FROM CITY CLERK'S OFFICE – none
12. REPORT FROM POLICE DEPARTMENT – none

13. ADJOURNMENT – 6:05 p.m.



Gus Spano, Chairman

ATTEST:



Kristen R. Rush, Deputy City Clerk

